

Regarding the unnumbered paragraph beginning with the word, "WHEREFORE," Virtus denies that Plaintiff is entitled to the relief she seeks and requests that Plaintiff take nothing.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim against Virtus for which relief can be granted.
2. Virtus did not owe any alleged duty to Plaintiff.
3. To the extent Plaintiff has suffered any damages, her damages are overstated.
4. To the extent Plaintiff has suffered any damages, she failed to mitigate her damages.
5. To the extent Plaintiffs suffered any damages, they were not caused by Virtus.
6. To the extent Plaintiff suffered any damages, they were caused by a third party over whom Virtus had no control.
7. Plaintiff's claims against Virtus may be barred by the applicable statute of limitations and/or by the doctrines of laches, waiver, or estoppel.
8. Virtus affirmatively pleads that on the occasion in question, Plaintiff failed to exercise ordinary care for her own safety and such failure constitutes negligence which was a proximate, producing, contributing, or sole proximate cause of the alleged damages, if any, Plaintiff alleges she suffered.
9. Virtus specifically pleads that Plaintiff's claims are barred in whole or in part, or should be reduced, due to the negligence and comparative responsibility of Plaintiff, as it was Plaintiff's own failure to use due and reasonable care to prevent her alleged injuries. 10.
10. Plaintiff has failed to state a claim for punitive damages.

11. Punitive damages are unconstitutional under both the Constitution of the United States and the Oklahoma Constitution.

12. Plaintiff's claims are barred by her own comparative or contributory fault.

PRAYER

WHEREFORE, Virtus requests that the Plaintiff take nothing by way of her Petition, that judgment be entered in favor of Virtus, and that Virtus be awarded costs in this action and all other relief to which it is entitled.

Respectfully Submitted,

THOMPSON, COE, COUSINS & IRONS, LLP

By:



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ATTORNEYS FOR DEFENDANT

I, ROBERT MORALES, District Court Clerk in and for Comanche County, Oklahoma hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's office of Comanche County, Oklahoma, this 16 day of March, 2018

ROBERT MORALES, District Court Clerk
By  Deputy

CERTIFICATE OF SERVICE

I do hereby certify that on this 23rd day of February, 2018, a true and correct copy of this Answer was sent by U.S. Mail, with proper postage thereon fully paid, to the following counsel of record:

David Butler
John P. Zelbst
Chandra L. Holmes Ray
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Linda Szuhay Ressetar